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10/663,379

09/15/2003

Scott Boyd

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EXAMINER

THOMASSON, MEAGAN J

ART UNIT

PAPER NUMBER

3714

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/663,379

Applicant(s)

BOYD ET AL.

Examiner

Meagan Thomasson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☒ Claim(s) 3,26,30 and 33 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 1/14/04, 10/15/05
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

Claims 3,26,30 and 33 are objected to because of the following informalities:

Claim 3 recites the limitation "the player identification number". There is lack of antecedent basis for this limitation. Similarly, claim 26 recites the limitation "risk the amount". There is lack of antecedent basis for this limitation, as well as for the limitation "the item of value", as recited in claim 30.

Claim 33 depends from claim 1 and recites the limitation "the currency criterion". There is no antecedent basis for this limitation for this claim, however the examiner believes this to be a typographical error and assumes that claim 33 was intended to depend from claim 32, in which case the limitation of "a currency criterion" has antecedent basis.

Appropriate correction is required:

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claim 1-4,6,7,9,10,15,16,19-22,32,34-37,41 and 42 are rejected under 35 U.S.C. 102(b) as being anticipated by Acres et al. (US 6,257,981 B1).**

Regarding claims 1,41 and 42, Acres discloses a method for remotely configuring a bonus game operating on a gaming machine of a type having a base game display area and a bonus game display area, the method comprising;

selecting at a configuration workstation coupled to the gaming machine over a network (col. 6, lines 33-37) at least one of a plurality of criteria displayed in a list to thereby define a bonus promotion rule (col. 25, line 10- col. 26, line 11), said rule including at least a triggering criterion, (Minimum Activity Level, Table 2; col. 26 lines 3-11),

propagating the rule throughout the network to at least the gaming machine and storing the rule on the gaming machine (col. 2, line 61- col. 3, line 19), and

operating the gaming machine in accordance with the stored bonus promotion rule including triggering the operation of a bonus game on the bonus game display area according to the triggering criterion (col. 2, line 61 – col. 3, line 19).

Regarding claims 2 and 40, Acres discloses the triggering criterion requires multiple game outcomes (Minimum Activity Level, Table 2; player may be required to play game a predetermined number of times, i.e. may be required to generate a certain number of game outcomes), said method further including identifying a player of the gaming machine by player interaction with the gaming machine, and tracking play of the identified player on the base game of the gaming machine and compiling outcomes at the gaming machine for that identified player, said triggering criterion operating to trigger the bonus game according to the bonus promotion rule when the compiled

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outcomes matches the triggering criterion (col. 26, lines 36-55; col. 28, line 10-col. 29, line 12; col. 28, lines 10-24; col. 3, lines 20-33).

Regarding claim 3, Acres discloses identifying the player includes receiving player identification at the gaming machine, transmitting the player identification number through the network to a player database (col. 26, lines 36-67), and retrieving from the player database a player record corresponding to the player identification number (col. 29, lines 1-19).

Regarding claim 4, Acres discloses receiving a player identification card within a reader at the gaming machine to retrieve a player identification number (col. 26, lines 36-67).

Regarding claims 6,7 and 9, Acres discloses the triggering criterion is based upon a set of game outcomes, wherein said game outcomes are consecutive game outcomes, and wherein the set of game outcomes are within a set period of time (The minimum activity level field can be used "to specify the minimum activity level required by the player in order to be eligible for the bonus time jackpot. For example, the player can be required to play at least 20 coins over the last 3 minutes in order to be eligible for the bonus time jackpot", col. 26, lines 5-9).

Regarding claim 10, Acres discloses the triggering criterion is based upon a certain number of points earned by the player (col. 28, lines 1-20).

Regarding claim 15, Acres discloses the rule includes a plurality of triggering criteria (Table 2, Number of Second to Keep Bonus Time Active and Minimum Activity

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Level) wherein the bonus game is triggered responsive only to all of the plurality of triggering criteria being fulfilled.

Regarding claim 16, Acres discloses the network further including a plurality of gaming machines where each of the plurality of gaming machines is associated with one or more gaming machine groups, and at least one of the groups is selected at the configuration workstation to which the bonus promotion rule applies to that the bonus promotion defined by the bonus promotion rule and operable on the bonus display area of each of the gaming machines is potentially triggered only on gaming machines within the selected group and not on gaming machines not within the selected group.

Specifically, Fig. 1 shows a floor controller connected to a plurality of gaming devices, and col. 37, lines 25-49 disclose the ability to select multiple gaming devices, i.e. groups of gaming devices, to be reconfigured by a floor controller.

Regarding claims 29-31, Acres discloses the promotion rule (Table 2) further including an award method defining the bonus game outcome (col. 26, lines 12-25), wherein the award method designates that a random number be chosen based upon a probability table designating the item of value awarded in the bonus promotion (Bonus Payout Schedule, col. 6, lines 27-63). Further, Table 1 discloses the ability to award an item of value, i.e. bonus pay, over a series of sessions that add up to the total value. That is, cash outable credits may be paid out via the hopper or credit meter, and non-cash outable credits may be added to the game, as shown in Table 1. The two forms of payment comprise a series of awards that amount to a total award.

Regarding claim 32, Acres discloses the promotion rule further including a currency criterion designating the item of value awarded to the player (Table 1).

Regarding claim 34, in addition to the invention as described above, Acres discloses operating a bonus configuration program on a configuration computer remote from the gaming machine, the configuration program including a rule generator comprising a plurality of selectable bonus promotion criteria (col. 8, lines 40-58).

Regarding claims 35-37, Acres discloses the type of criteria to be selected within the configuration program includes the following types: machine selection (col. 3, lines 1-4), triggers (Table 2, Minimum Activity Level and Number of Second to Keep Bonus Time Active), interface (Table 2, Bonus Type), award (Table 2, Number of Coins to Award and Jackpot Multiplier), and Currency (Table 1, Bonus Pay in Coin Format, Bonus Pay in Dollar Format, Credit Meter).

Regarding claims 38 and 39, Acres discloses the selected criteria includes one or more defined triggering events, the method including allowing play on the gaming machine and triggering a bonus game on the gaming machine responsive to play on the gaming machine matching one of or the defined triggering events (col. 26, lines 4-8).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

**Claim 5,8,11-13,17-28,33 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Acres (US 6,257,981 B1).**

Regarding claim 5, Acres does not specifically disclose manually entering a player identification number at the gaming machine. Instead, Acres discloses entering a card containing a player identification number (col. 26, lines 36-55). However, it is well known in the art to provide a means for manually entering a player identification number, e.g. a key pad, as a substitute for entering a player tracking card, as can be seen in Burns et al. (US 6,736,725 B2) in col. 7, lines 28-32, wherein an "identification card reader [210] input can also be a key pad which the player would use to enter a number or some other means of identification. Such key pads are well known and are commercially available". Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to utilize a key pad for inputting a player identification number as an alternative to inserting a player identification card.

Regarding claims 8 and 11-13, Acres does not specifically disclose the triggering criterion is based on obtaining X outcomes in N tries, a number of wins/losses over a



set time period, visitation frequency, and/or player demographics. However, Acres does disclose adjusting a bonus triggering criterion based on player activity level, as described above, and further discloses that "According to the invention, there are many different reconfiguration commands to implement a multiplicity of different bonusing events" (col. 25, lines 53-55). The bonus triggering events recited in claims 8 and 11-13 are well known to one of ordinary skill in the art. For instance, Walker et al. (US 6,361,441 B1) discloses a bonus triggering event involving obtaining X outcomes in N tries as well as a number of wins/losses over a set time period (col. 3, lines 4-16), Walker et al. (US 6,503,146 B2) discloses obtaining bonus eligibility status upon fulfilling a visitation frequency requirement (col. 6, lines 44-54), and Acres (US 2001/0034643 A1) discloses triggering criteria based upon player demographics (§ 0018). It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize the floor controller of Acres (US 6,257,981) to adjust any bonus triggering parameter of a gaming console as a design choice at the discretion of the inventor. The bonus triggering parameters listed in claims 8 and 11-13 are well known throughout the art, as shown by the cited references, and further Acres discloses allowing "many different configuration commands to implement a multiplicity of different bonusing events" (Col. 25, lines 53-55).

Regarding claim 17, Acres does not specifically disclose the promotion rule including an interface criterion associated with a series of steps operable by the gaming machine processor to complete in a given promotion. That is, Acres does not disclose the specific bonus game interface criteria presented to a player. However, Acres does

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disclose the ability to select and reconfigure the type of bonus game in which the player participates (Table 2, Bonus Type). In light of this, it would have been obvious to one of ordinary skill in the art to allow the player to participate in a bonus game having various interface criteria associated with a series of steps operable by the gaming machine processor to complete a given promotion. Such bonus games are notoriously well known in the art, as evidenced by Baerlocher et al. (US 6,669,559 B1), Acres (US 6,231,445 B1), Baerlocher et al. (US 6,506,118) and Gilmore et al. (US 6,347,996 B1).

Regarding claims 18-24, Baerlocher (US 6,669,559) discloses a bonus game featuring said interface criterion associated with a series of steps, including a series of animation sequences requiring player interaction to start or stop said animation sequence after which a bonus amount is awarded to the player. Specifically, Fig. 3 of Baerlocher discloses an animation sequence wherein a game exhibits a symbol, said animation sequence beginning upon a player making a selection. This process continues, thus comprising a series of animation sequences requiring player interaction between each animation in the series (col. 3, lines 19-24). The primary embodiment of Baerlocher is that of a matching game such as "concentration" or "go fish" (col. 1, lines 58-67), such that the game displays X number of possible selection areas and the player picks N items until a stop is chosen (Fig. 3, Terminating Symbol). Further, Baerlocher discloses requiring the player to pick selection areas to review items associated with respective selection areas until a match occurs (col. 7, lines 20-57).

Regarding claim 25, Acres (US 6,257,981) does not specifically disclose decrementing the amount of the bonus award as the number of attempts to make a

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match increases. However, Acres (US 6,231,445 B1) discloses a bonus gaming wherein the bonus amount is decremented as play continues (col. 2, lines 28-32). That is, as the bonus game period continues the bonus award amount decreases.

Regarding claims 26 and 27, Acres (US 6,257,981) does not specifically disclose the interface criterion designating that a player choose to take a first bonus award or risk the amount for a second bonus award, wherein the first and second bonus award comprise a plurality of items chosen in a series of selection steps. However, in an analogous gaming machine invention, Baerlocher (US 6,506,118 B1) discloses such a bonus game (col. 2, lines 31-49).

Regarding claim 28, Acres (US 6,257,981) does not specifically disclose the interface criterion uncovers an image tile by tile in successive bonus rounds until the image is uncovered. However, in an analogous gaming machine invention, Gilmore (US 6,347,996) discloses such a bonus game (abstract).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Acres (US 6,257,981) to include any one of a plurality of well known bonus games in the configuration abilities disclosed by Acres. One would have been motivated to do so as Acres discloses the ability to adjust the type of bonus game that the player participates (Table 2, Bonus Type) despite not specifically disclosing the interface criterion of each of said bonus game types.

Regarding claim 33, Acres does not specifically disclose the currency criterion is one selected from the group consisting of complementary goods and services, cash back, points, extra credit, promotional credits and discount coupons. However, Acres

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does disclose awarding the player in complementary goods and services (col. 28, lines 3-6), cash back (Table 1), points (col. 28, lines 10-20) and extra credit (Table 1, Bonus Pay to Credit Meter). The examiner takes official notice that both promotional credits and discount coupons are notoriously well known throughout the art as forms of player rewards, and thus it would have been obvious to one of ordinary skill in the art at the time of the invention to include both promotional credits and discount coupons in the invention disclosed by Acres.

Regarding claim 43, Acres does not specifically disclose a gaming machine comprising a special feature indicated on a visual display, the visual display depicting a bonus event triggered responsive to a bonus rule received over a network and stored in a memory. However, this is a notoriously well known feature of a gaming machine featuring a bonus event, as evidenced by Baerlocher et al. (US 6,669,559 B1), wherein in response to a qualifying condition a visual display [44] depicts a bonus event comprising a special feature (col. 6, lines 5-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include said visual display depicting a bonus event triggered responsive to a bonus rule, as shown in Baerlocher, with the network configuration type gaming machine of Acres (US 6,257,981).

Regarding claim 44, Acres does not specifically disclose the visual display is a video display separated from a display of a base game operating on the gaming machine. However, this is a notoriously well known feature of slot machine gaming devices, as evidenced by Baerlocher et al. (US 6,669,559 B1), wherein Fig. 1 depicts reels [30] as the means for display of the base game and the video touch screen [32] as

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the means of display for the bonus game. This would have been an obvious feature to one of ordinary skill in the art to include in the invention disclosed by Acres (US 6,257,981).

**Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Acres et al. (US 6,257,981 B1) in view of Storey (US 2003/0176212 A1).**

In addition to the invention as described above, Acres discloses the rule includes a plurality of triggering criteria (Table 2, Number of Second to Keep Bonus Time Active and Minimum Activity Level). Acres does not specifically disclose that the bonus game is triggered responsive to any one of the plurality of triggering criteria. However, in an analogous gaming device invention, Storey discloses a jackpot award is triggered in response to any one of a plurality of triggering criteria. Specifically, ¶ 0062 discloses a plurality of bonus game triggering game outcomes wherein the occurrence of any of the bonus game triggering outcomes will enable a player to participate in a bonus game. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of the remotely configurable slot machine device of Acres and the possibility of triggering a bonus game utilizing any one of a plurality of bonus game triggering criteria of Storey due to their analogous inventions, namely slot machine gaming devices. Motivation to do so can be found in Acres col. 25, lines 53-55, wherein Acres discloses allowing "many different configuration commands to implement a multiplicity of different bonusing events".

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Pertinent prior art includes:

- Walker (US 7,033,276 B2), drawn to a method and system for gaming machine configuration.
- Gauselmann (US 6,884,173 B2), drawn to a configuration technique for gaming machines.
- Acres (US 6,254,483 B1), drawn to a method and system for gaming machine configuration.
- Baerlocher et al. (US 6,669,559), drawn to a gaming device bonus game comprising a player selectable matching game.
- Miodunski et al. (US 5,833,540), drawn to a network-type distributed gaming system.
- Gilmore et al. (US 6,347,996 B1), drawn to a gaming device bonus game comprising a concealed image.
- Manfredi et al. (US 6,575,832 B1), drawn to a network-type gaming machine configuration system and method.
- Lundy et al. (US 6,884,174), drawn to a communications protocol for gaming system configuration.
- Beatty (US 6,939,234), drawn to a gaming machine configuration system.
- Storey (US 2003/0176216), drawn to a bonus trigger for a gaming machine.

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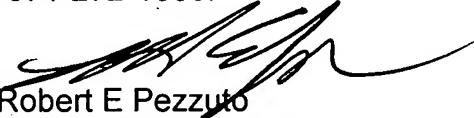
- Acres (US 2001/0034643), drawn to a method and system for advertising featuring a description of awarding a player based on demographic information.
- Burns (US 6,736,725), drawn to a gaming method featuring a keypad for player identification input.
- Walker et al. (US 6,503,146, US 6,361,441), drawn to a gaming method featuring bonus triggering events comprising obtaining a number of outcomes in a predetermined amount of time.
- Acres (US 6,231,445), drawn to a method for awarding variable bonus awards to gaming machines over a network.
- Baerlocher et al. (US 6,506,118), drawn to a gaming device bonus game comprising a player choice between bonus awards.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meagan Thomasson whose telephone number is (571) 272-2080. The examiner can normally be reached on M-F 830-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Robert E Pezzuto  
Supervisory Patent Examiner  
Art Unit 3714

Meagan Thomasson  
June 9, 2007